



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)	
Johan F. Hellenkamp)	
Serial No.: 10/062,178)	Group Art Unit 3731
Filed: January 31, 2002)	Examiner: M. Thaler
)	Appeal No.
For: AUTOMATIC SURGICAL DEVICE)	
AND CONTROL ASSEMBLY FOR)	
CUTTING A CORNEA)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

BRIEF OF APPELLANTS

This is an appeal from the final rejection of the Examiner dated December 9, 2004 rejecting claims 2-37, all of the claims in this case. This brief is accompanied by the requisite fee set forth in Rule 41.20(b)(2).

REAL PARTY IN INTEREST (37 C.F.R. 1.192(c)(1))

The real party in interest in the present case based upon an exclusive license agreement from the named inventor is Bausch & Lomb, Inc.

RELATED APPEALS AND INTERFERENCES (37 C.F.R. 1.192(c)(2))

None.

a cutting blade connected to said blade holder, said cutting blade shaped to provide clearance from the positioning ring as the microkeratome cutting blade assembly is oscillated such that said cutting blade will not interfere with movement of the cutting head assembly across the positioning ring along an arcuate path.

The Commissioner is hereby authorized to charge all additional filing fees that may be required by the filing of this paper to our Deposit Account No. 13-1227.

Respectfully submitted,
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By: 

Jennie S. Malloy
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Dated: 6/8/05



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Johann F. Hellenkamp
Serial No.: 10/062,178
Filing Date: January 31, 2002
For: IMPROVED AUTOMATIC SURGICAL DEVICE AND CONTROL
ASSEMBLY FOR CUTTING A CORNEA

Confirmation No. 9383
Thaler, M., Examiner
Group Art Unit 3731
Customer No. 04219

2800 S.W. Third Avenue
Historic Coral Way
Miami, Florida 33129
June 8, 2005

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Dear Sir:

AUTHORIZATION TO CHARGE FEES TO DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge and/or credit any fees under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 13-1227. Please note that our Docket No. is 1.096.01.

Respectfully submitted,

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Date: 6/8/05